

COUNCIL MEETING NOTICE AND AGENDA
WEDNESDAY, AUGUST 14, 2019
8:30 A.M. OR SOON THEREAFTER
COUNCIL CHAMBERS
HISTORIC COUNTY BUILDING
4396 RICE STREET, SUITE 201
LIHU'E, KAUA'I, HAWAII 96766

A. MEETING CALLED TO ORDER.

B. ROLL CALL.

C. APPROVAL OF AGENDA.

D. MINUTES of the following meetings of the Council:

1. July 17, 2019 Council Meeting
2. July 17, 2019 Public Hearing re: Bill No. 2693
3. July 31, 2019 Public Hearing re: Bill No. 2754

E. SPECIAL ORDER OF THE DAY:

1. [Bill No. 2612, Draft 1](#) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 14, KAUA'I COUNTY CODE 1987, AS AMENDED, RELATING TO THE PLUMBING CODE (*Pursuant to Council Rule No. 5(e), Council Absence, Tie Vote*)

F. CONSENT CALENDAR:

1. [C 2019-180](#) Communication (07/20/2019) from the Director of Finance, transmitting for Council information, the Fourth Quarter Statement of Equipment Purchases for Fiscal Year 2018-2019, pursuant to Section 17 of Ordinance No. B-2018-841, relating to the Operating Budget of the County of Kaua'i for Fiscal Year 2018-2019.
2. [C 2019-181](#) Communication (07/29/2019) from the Director of Finance, transmitting for Council information, the Condition of the County Treasury Statement quarterly report as of May 7, 2019.

G. COMMUNICATIONS:

1. [C 2019-182](#) Communication (07/26/2019) from the Prosecuting Attorney, requesting Council approval to receive and expend State funds, in the amount of \$222,628.00, to be used towards funding one (1) Full-Time Equivalent (FTE) Deputy Prosecuting Attorney and partial fringe benefits for the Career Criminal Prosecution Unit, and to indemnify the State of Hawai'i Department of the Attorney General.

2. [C 2019-183](#) Communication (08/07/2019) from the County Attorney, requesting Council approval to expend funds up to \$50,000.00, to retain Special Counsel to represent the Planning Department in Transient Vacation Rental (TVR) appeals and related matters.

H. LEGAL DOCUMENTS:

1. [C 2019-184](#) Communication (07/26/2019) from the Deputy County Engineer, recommending Council approval of the following Property Adjustment Agreements for the Lihu'e Town Core Mobility and Revitalization Project – TGR-0700(073):
 - Property Adjustment Agreement by and between the County of Kaua'i and Hō'ike: Kaua'i Community Television, Inc., 4318 Rice Street, Tax Map Key (TMK) No. (4) 3-6-003:013;
 - Property Adjustment Agreement by and between the County of Kaua'i and Hale Kaua'i LTD., 4290 Rice Street, TMK No. (4) 3-6-003:015; and
 - Property Adjustment Agreement by and between the County of Kaua'i and JV D Two Lihu'e LLC, 4291 Rice Street, TMK No. (4) 3-6-007:031.

2. [C 2019-185](#) Communication (07/31/2019) from Bryson Ponce, Assistant Chief of Police, Investigative Services Bureau, recommending Council approval to enter into a Memorandum of Agreement (MOA) with the American Society of Crime Laboratory Directors (ASCLD) Domestic Accreditation Task Force, to seek international accreditation of the Kaua'i Police Department Crime Scene and Laboratory Unit, and to indemnify, hold harmless, and defend the ASCLD, its elected officials, officers, employees, and agents from and for any and all losses, claims, actions, judgments for damages, or injury to persons or property, and losses and expenses caused or incurred by or arising out of the tortious conduct of the ASCLD or its elected officials, officers, employees, or agents.
 - Memorandum of Agreement Between the Kaua'i Police Department (KPD) and the American Society of Crime Laboratory Directors (ASCLD) Regarding ASCLD Domestic Accreditation Task Force (ADATF) and the KPD Crime Scene and Laboratory Unit (CSLU)

I. CLAIMS:

1. [C 2019-186](#) Communication (07/30/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Rita's Equipment Rental & Trash Disposal, Inc., for damage to their vehicle, pursuant to Section 23.06, Charter of the County of Kaua'i.

2. [C 2019-187](#) Communication (08/01/2019) from the County Clerk, transmitting a claim filed against the County of Kaua'i by Matthew Mannisto, Esq., as Personal Representative of the Estate of Leslie Gae Lutao, Deceased, Richard Lutao, Jessica Lancaster, Selina Lutao, Shayna Camarillo, and Jason Camarillo, and their attorneys Michael J. Green and Susan L. Marshall, for negligence and fatal injury, pursuant to Section 23.06, Charter of the County of Kaua'i.

J. COMMITTEE REPORT:1. PLANNING COMMITTEE:

- a. **CR-PL 2019-09:** on Bill No. 2754 A BILL FOR AN ORDINANCE AMENDING SECTION 8-1.5, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*Guest House — Planning Commission Recommendation*)
[Approved.]

K. BILL FOR SECOND READING:

1. [Bill No. 2754](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 8-1.5, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO GUEST HOUSE (*Guest House — Planning Commission Recommendation*) (*See also CR-PL 2019-09; the Planning Committee recommended approval on second and final reading.*)

L. EXECUTIVE SESSION: Pursuant to Hawai'i Revised Statutes (HRS) §92-7(a), the Council may, when deemed necessary, hold an Executive Session on any agenda item without written public notice if the Executive Session was not anticipated in advance. Any such Executive Session shall be held pursuant to HRS §92-4 and shall be limited to those items described in HRS §92-5(a). (*Confidential reports on file at the Office of the County Attorney and/or the Office of the County Clerk. Discussions held in Executive Session are closed to the public.*)

1. ES-999 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(3), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to discuss the acquisition of several large parcels of land, identified by the master Tax Map Key (TMK) No. (4) 1-2-006-009, for community based needs including affordable housing, park facilities, and the expansion of public utilities. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

2. ES-1000 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to discuss the Kekaha Landfill operations and contractual obligations under the Waste Management contract. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

3. ES-1001 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on the retention of Special Counsel to represent the Planning Department in TVR appeals and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

M. ADJOURNMENT.

- N. PUBLIC HEARING NOTE: If the Council is not finished with this meeting by approximately 1:30 p.m., it will recess for a public hearing on the following. After the public hearing, the Council will reconvene to complete any unfinished business.

*[*For complete information, including a summary of the item, please refer to the official Notice of Public Hearing. The official Notice of Public Hearing has been published, posted on the bulletin board, and filed in the Office of the County Clerk as required by law. Notwithstanding this Council Agenda, the Council may hold a public hearing on any item which has been posted in advance in compliance with the Sunshine Law.]*

For a copy of the notice, please go to: <http://www.kauai.gov/Council/PublicHearings>

1. [Bill No. 2756](#) – A BILL FOR AN ORDINANCE AMENDING SECTION 5A-1.1, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAX DEFINITIONS

- O. NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

*TO VIEW MEETINGS OR MEETING ARCHIVES, PLEASE VISIT: WWW.KAUAI.GOV/WEBCASTMEETINGS.